

REMARKS

I. Status of the Application

Claims 15, 16, 19-22, 25, 26, 28 and 34-38 are pending in this application. In the December 1, 2005 office action, the examiner rejected claims 15, 19-22, 25, 26, 34 and 36-38 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. patent no. 6,573,776 to Miyamoto (hereinafter "Miyamoto"). In addition, the examiner rejected claims 16, 28 and 35 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Miyamoto in view of U.S. patent no. 6,208,183 to Li et al (hereinafter, "Li").

In this response, applicants have amended claims 15, 22, 26 and 28. Support for the amendments to the claims may be found in the specification, page 4, lines 19-26; page 9, lines 8-10; page 10, lines 5-10; and page 11, lines 9-13. Applicants respectfully request reconsideration of pending claims 15, 16, 19-22, 25, 26, 28 and 34-38 in view of the foregoing amendments and the following remarks.

II. The Rejections Under 35 U.S.C. § 102(b) and 103(a) Should Be Withdrawn

A. Independent Claims 15 and 22

In the December 1, 2005 office action, the examiner rejected claims 15 and 22 under 35 U.S.C. § 102(b) as being anticipated by Miyamoto. As provided in MPEP § 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9

USPQ 2d 1913, 1920 (Fed. Cir. 1989). In addition, the elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

The Miyamoto reference does not disclose all the limitations of amended independent claims 15 and 22. For example, with respect to claim 15 the Miyamoto reference at least does not disclose “a second delay element” comprising “a low frequency delay element for lower frequencies of the externally generated clock signal and a high frequency delay element for higher frequencies of the externally generated clock signal, wherein the low frequency delay element and the high frequency delay element are configured for operation at different frequency ranges of the externally generated clock signal.” Instead, Miyamoto discloses a frequency detection circuit 405 that locks the delay element 402 and *increases a delay time D1 of the delay element as the frequency of the externally generated clock signal decreases* (see column 15, lines 34-45 of Miya). This is in contrast to the claim limitation of the present application which requires different second delay elements, including a low frequency delay element and a high frequency delay element, wherein the different second delay elements are for different frequency ranges. Accordingly, Miyamoto does disclose all limitations of claim 22 of the present application.

Claim 22 includes similar limitations to claim 15 with respect to different second delay elements, including a low frequency delay element and a high frequency delay element, wherein the different second delay elements are for different frequency ranges. Thus, for the same reasons as provided with respect to claim 15, Miyamoto does not disclose all the limitations of claim 22.

For at least the reasons discussed above, Miyamoto does not disclose all

limitations of claims 15 and 22 of the present application. Accordingly, it is respectfully submitted that claims 15 and 22 are allowable and the examiner's rejection of claims 15 and 22 as anticipated by Miyamoto under 35 U.S.C. § 102(b) should be withdrawn.

B. Dependent Claims 16, 19-21, 25, 26, 28 and 34-38

Dependent claims 16, 19-21, 25, 26, 28 and 34-38 depend from and incorporate all the limitations of one of independent claims 15 or 22. As set forth above, it is respectfully submitted that independent claims 15 and 22 are allowable. Accordingly, it is also respectfully submitted that dependent claims 16, 19-21, 25, 26, 28 and 34-38 are also allowable for at least the same reasons that independent claims 15 and 22 are allowable.

III. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicant has made a patentable contribution to the art. Favorable reconsideration and allowance of this application is therefore respectfully requested.

In the event applicant has inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 13-0014.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Russ Fowler", with a long horizontal flourish extending to the right.

Russell E. Fowler II
Attorney Registration No. 43,615

Please address correspondence to:

Russell E. Fowler II
Maginot Moore & Beck
Chase Tower
111 Monument Circle, Suite 3250
Indianapolis, Indiana 46204-5115

Telephone: (317) 638-2922
Facsimile: (317) 638-2139
Email: refowler@maginot.com